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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
AN, SANG WOOK	
ART UNIT	**PAPER NUMBER**
1732	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,553	ANTON, ERHARD	
	Examiner	Art Unit	
	Sang W. An	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) *5-15* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/12/04 & 1/17/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-4, drawn to a process, classified in class 264, subclass 40.1.

II. Claims 5-15, drawn to an apparatus, classified in class 425, subclass 169.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 1 806.05(e)). In this case the method can be practiced by hand.

3. Because these inventions are distinct for the reasons given above: and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was made to William Gehris on April 25, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1 .143).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Jurgenhake (DE 4005399).

With regard to claim 1, Jurgenhake teaches a device, the method comprising: performing a crimping operation using the crimping device so as to form a plurality of crimp joints (abstract): continuously measuring an actual value of a crimp parameter of the crimp joints during a method for assuring a quality of a crimp joint on a crimping the crimping operation based on a respective setpoint value of the crimp parameter within a defined upper and lower tolerance value (col 8 lines 20-45, where TB1 and TB2 are 1st tolerance domain and 2nd tolerance domain respectively); and effecting a readjustment of a crimp height during the crimping operation after the actual value reaches a correction value of the crimp parameter (abstract & col 11 line 55-59).

With regard to claim 2, Jurgenhake teaches that the crimp parameter includes at least one of a crimp height and a crimp force (abstract).

With regard to claim 3, Jurgenhake teaches that the correction value is a mean value of the measured actual values (abstract).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jurgenhake (DE 4005399) in view of Hahn et al (US 4800050).

With regard to claim 4, Jurgenhake teaches the invention of claim 1, but does not explicitly teach that the correction value corresponds to approximately half of the upper or lower tolerance value. Hahn et al teach that the correction value corresponds to approximately half of the upper or lower tolerance value (column 13, lines 54-61). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use a correction value that corresponds to approximately half of the upper or lower tolerance yalue in the process taught by Jurgenhake. The motivation to do so would have been to find the optimum operation parameters (Hahn et al, column 4, lines 24-26).

Response to Argument

10. With respect to the 102(b) rejection, applicants argue that Jurgenhake does not teach (1) measuring actual value of a crimp parameter and (2) effecting a readjustment of the crimp height during the crimping operation. However, Jurgenhake does teach or suggest these processes. In the abstract, Jurgenhake states that "the mean value of

the criteria (crimp path length, force peak) is derived automatically by means of transducers." In order to calculate the mean value, one would need a set of actual values or measurements (in this case crimp height H). Therefore implied in the discussion of "mean value" is the assumption that actual value of the crimp parameter was measured. In the abstract, Jurgenhake states that, "this height and the pressure (P) exerted by the pressure bar (5) are fed to an evaluating unit (9) as well as the number of pieces being produced without a pause." Here, inherent in the phrase without a pause, means Jurgenhake's process is a continuous process and that the quality evaluation is necessarily performed during the crimping operation. Furthermore, Jurgenhake teaches that his device contains an evalution device **9**, which has a means for the automatic (automatic means the device is detecting a change and adjusting or responding to it) changing of the second value (W2) (col 11 lines 56-59). This teaching taken with what is said in the abstract suggests that crimp height is readjusted during the crimping operation.

With respect to the 103(a) rejection, applicants argue that neither Jurgenhake nor Hahn et al, teach or suggest the features of both measuring and effecting a readjustment of the crimp height during crimping operation. However, the examiner has addressed these issues above in the 102(b) response to argument in detail.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang W. An whose telephone number is (571) 272-1997. The examiner can normally be reached on Mon-Fri 7 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sang Wook An
Patent Examiner
Art Unit 1732
January 3, 2006

MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER